

REMARKS/ARGUMENTS

After entry of this amendment, claims 1, 3-5, 8-18, and 21-26 are pending in the subject application. Claims 1, 9-11 and 17, have been amended to further distinguish the present invention over the cited references. Claims 6-7, 12, and 19-20 have been canceled. Claims 22-26 have been added. Reconsideration of the application as amended is respectfully requested.

The Examiner rejected claims 1, 2, 4, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge, United States Patent No. 1,107,069, in view of Good, United States Patent No. 2,993,740. The Examiner asserted that the patent to Hardinge teaches structure substantially as claimed including table, means for securing (at 6) including mounting plates, the only difference being that there is no means for adjusting position. However, the Examiner contends that the patent to Good (at 26) teaches the use of providing adjusting structure for a work surface to provide mobility to be old. The Examiner asserted that it would have been obvious at the time of the invention to modify the structure of Hardinge to include a means for adjusting position, as taught by Good since such structures are conventional, alternative support structures used in the same intended purpose, thereby providing structure as claimed.

Applicant has amended claim 1 by consolidating claims 1, 6 and 7, and in so doing, Applicant respectfully notes that amended claim 1 calls for a programmable controller coupled to said mounting table and adaptable to be in communication with said industrial machine, and a control panel coupled to and in communication with said programmable controller and adaptable to manipulate said industrial machine. The Examiner may wish to note that the programmable controller and control panel now defined in claim 1 are not related to telescopic adjustment of the support legs, but rather,

such structure is provided for adaptation to the industrial machine. Providing a modular base having a programmable controller and control panel integrated therein allows the modular base to be adapted to diverse tasks and tools, and prevents needless replacement of equipment when industrial processes change. Applicant's disclosure teaches that the programmable controller is provided in order to provide programming capability to the industrial machine, and that the industrial machine may be wired to the programmable controller to provide electronic communication between the programmable controller and the industrial machine. Furthermore, Applicant's disclosure teaches that the control panel is provided in communication with the programmable controller so that the industrial machine may be manipulated through the actuation and use of the control panel.

None of the references of record teach nor disclose a modular base for an industrial machine that incorporates a programmable controller and a control panel adaptable to communicate with an industrial machine. Although the Examiner asserts that these structures, in themselves, are commercially available, the Examiner has identified no references that show these elements in combination with a modular base for an industrial machine, let alone a modular base for an industrial machine as stated in claim 1. Furthermore, although Applicant disagrees with the Examiner's rationale for rejecting claims 2 and 4, applicant notes that those claims should now be allowable in light of the amendment to claim 1.

Applicant has amended claim 9 by further defining the adjustable legs, and in so doing, Applicant respectfully notes that amended claim 9 requires a plurality of telescopically adjustable legs each having a first support with a vertically adjustable roller, and a telescopically adjustable second support connected to said mounting table for adjusting the height of said mounting table and

selectively engaging said rollers with a foundation. The references of record do not teach or disclose a modular base for an industrial machine that a plurality of legs having a first support with a vertically adjustable roller and a telescopically adjustable second support as stated in claim 9. Applicant's disclosure teaches that the adjustable height of the mounting table, in combination with the selectively engageable rollers allows for reconfiguration of a manufacturing operation with the need for replacing the modular base.

With regard to claim 10, Applicant has amended that claim to clarify that the U-shaped plate is substantially horizontal and adaptable to support said industrial machine thereon. As disclosed by the Applicant, the plate-like, substantially U-shaped configuration of the mounting table allows a user to stand within the opening of the U-shaped configuration and gain access to the industrial machine. Hardinge, in Figure 3, teaches a vertical brace for leg members that is neither substantially horizontal nor adaptable to support an industrial machine thereon. Accordingly, the references of record do not teach or disclose the u-shaped plate stated in claim 10. Therefore, in light of the amendments made to the claims and the distinctions made with respect to the cited references, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to claims 1, 2, 4, 9, and 10 under 35 U.S.C. § 103(a) over Hardinge in view of Good.

The Examiner rejected claims 3, 6, 7, 8, 11, 12, 14, 15, 16, 17, 19, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Good as applied to the claims above, and further in view of Doyle, United States Patent No. 6,595,144. The Examiner asserted that the patent to Hardinge in view of Good teaches structure substantially as claimed as discussed above, including a plurality of legs, the only difference being that the legs are not telescopically-adjustable with control means. However, the Examiner further contends that the patent to Doyle teaches the use of providing

telescopically-adjustable leg structures with control means to be old. The Examiner contends that it would have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Hardinge in view of Good to include vertically adjustable legs and control means, as taught by Doyle since such structures are conventional alternative supporting structures use in the same intended purpose thereby providing structure as claimed, so far as defined. The Examiner further asserts that the use of pneumatic adjusting structures and control means is conventional structure commercially available. The Examiner further noted that to use such structures as an alternative structure used in the same intended purpose of providing an adjustment would have been obvious and well within the level of ordinary skill in the art, thereby providing structure as claimed, so far as defined.

Applicant respectfully notes that the Examiner has failed to provide a cited reference which discloses, teaches, or suggests the structure defined in claims 1 and 9, as previously discussed, and therefore, claims 3, 8, 11 and 14-16, when combined with claims 1 and 9, provide structure that has not been disclosed, taught, nor suggested by the cited references.

With regard to claims 6-7, 12 and 19-20, those claims have been cancelled.

Applicant has amended claim 17 by consolidating claims 17, 19 and 20, and by further defining the adjustable legs. In so doing, Applicant respectfully notes that amended claim 17 calls for a programmable controller coupled to said mounting table and adaptable to be in communication with said industrial machine, and a control panel coupled to and in communication with said programmable controller and adaptable to manipulate said industrial machine. Claim 17 further calls for a plurality of legs each having a first support and a telescopically adjustable second support connected to said mounting table for adjusting the height of said mounting table and selectively

engaging said rollers with a foundation. Hardinge in view of Good and further in view of Doyle teaches neither a programmable controller and associated control panel, nor the plurality of legs as defined in claim 17. Therefore, in light of the amended claims and the distinctions made with regard to the cited references, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections cited under 35 U.S.C. § 103(a) over Hardinge in view of Good and further in view of Doyle. Furthermore, although Applicant disagrees with the Examiner's rationale for rejecting claim 21, applicant notes that claim 21, in combination with amended claim 17, should be allowable. Therefore, in light of the amendments made to the claims and the distinctions made with respect to the cited references, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to claims 3, 6, 7, 8, 11, 12, 14, 15, 16, 17, 19, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Good and further in view of Doyle.

The Examiner rejected claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Good as applied to the claims above, and further in view of Ostertag, et al., United States Patent No. 6,267,064. The Examiner asserts that the patent to Hardinge in view of Good teaches structure substantially as claimed as discussed above including a table, the only difference being that there is no lighting fixture to provide light for the work area. However, the Examiner further asserted that the patent to Ostertag, et al. teaches the use of providing a lighting fixture for a work surface to be old. The Examiner further concluded that it would have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Hardinge in view of Good to include a lighting fixture, as taught by Ostertag, et al., since such structure is used in the same intended purpose of providing light for structures placed thereon, thereby providing structure as claimed, so far as defined.

Applicant respectfully notes that the Examiner has failed to provide a cited reference which discloses, teaches, or suggests the structure defined in claims 1 and 9, as previously discussed, and therefore, claims 5 and 13 when combined with claims 1 and 9, provide structure that has not been disclosed, taught, nor suggested by the cited references. Therefore, Applicant respectfully requests that in light of the amendments to the claims and the distinctions noted with respect to the cited references, the Examiner reconsider and withdraw the rejections made to claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Good and further in view of Ostertag, et al.

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Hardinge in view of Good and Doyle as applied to the claims above, and further in view of Ostertag, et al. The Examiner contends that the patent to Hardinge in view of Good and Doyle teaches structure substantially as claimed as discussed above including a table, the only difference being that there is no lighting fixture to provide light for the work area. However, the Examiner further contended that the patent to Ostertag, et al. teaches the use of providing a lighting fixture for a work surface to be old. The Examiner concluded that it would have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Hardinge in view of Good to include a lighting fixture, as taught by Ostertag, et al. since such structure is used in the same intended purpose of providing light for structures placed thereon, thereby providing structure as claimed, so far as defined.

Applicant respectfully notes that claim 18 in combination with claim 17 has not been disclosed, taught, nor suggested by the cited references. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to claim 18 under 35 U.S.C. § 103(a) as

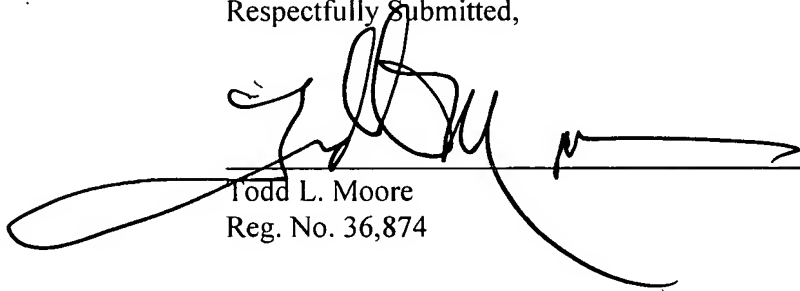
being unpatentable over Hardinge in view of Good and Doyle and further in view of Ostertag, et al.

New Claims 22-26 have been added to further define the subject matter that the Applicant regards as the invention. Applicant respectfully submits that the inventions stated by these claims are not taught or suggested by any of the references of record. Accordingly, Applicant requests that new claims 22-26 be allowed.

For the foregoing reasons and in light of the claims as amended, Applicant respectfully requests that the objections and rejections be withdrawn, and the claims be allowed to proceed to issue.

The Examiner is invited to contact Applicant's undersigned Attorney at (734) 662-0270 or by electronic mail at tlmyb@aol.com if there are any questions in regard to this matter.

Respectfully Submitted,



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